IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION

Case No. 5:23-cv-00322-M-BM

LAPEARIL C. OUTLAW,	
Plaintiff,	
v.)	ORDER
RHA HEALTH SERVICES, INC., et al.,	
Defendants.	

This matter comes before the court on the Memorandum and Recommendation ("M&R") of United States Magistrate Judge Brian S. Meyers, II [DE 35]. Pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b), Magistrate Judge Meyers recommended that this court grant Defendants' motion to dismiss Plaintiff's complaint, as supplemented and amended, and deny as moot the pending motions. Plaintiff timely filed an objection [DE 36]; however, she does not object to any specific portion of the M&R concerning the dismissal recommendation.

A magistrate judge's recommendation carries no presumptive weight. The court "may accept, reject, or modify, in whole or in part, the . . . recommendation[] . . . receive further evidence or recommit the matter to the magistrate judge with instructions." 28 U.S.C. § 636(b)(1); accord Mathews v. Weber, 423 U.S. 261, 271 (1976). The court "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." Id. § 636(b)(1). Absent a specific and timely objection, as here, the court reviews only for "clear error" and need not give any explanation for adopting the recommendation. Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

Upon careful review of the M&R and the record presented, and finding no clear error, the court ADOPTS the recommendation of the magistrate judge as its own. For the reasons stated therein, the court GRANTS Defendants' motion to dismiss [DE 22] and dismisses Plaintiff's complaint as supplemented and amended [DE 13]. The court DENIES as MOOT Defendants' motion to stay [DE 15]; Plaintiff's motion to compel [DE 27]; and Plaintiff's second motion to compel [DE 29]. The clerk of court shall close this case.

SO ORDERED this day of February, 2024.

CHIEF UNITED STATES DISTRICT JUDGE

Tubas / E Myers J